

United States District Court Southern District of Texas Corpus Christi Division	
David A. Sibley  vs.  Charles Lincoln	No. 07-258 [Jury Requested]

### **Anonymous Briefing**

TO THE HONORABLE COURT:

David Sibley respectfully files Anonymous Briefing.

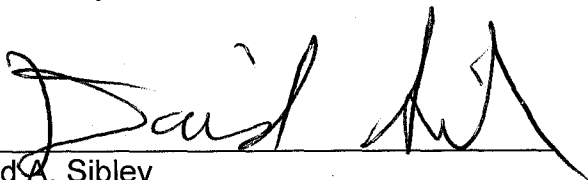
1. The motion for sanctions filed in this case was initiated to a large extent by an anonymous communication from Ohio.
2. A new anonymous communication has been received this time from New York.
3. The source of this communication apparently does not want to rely on David Sibley's briefing abilities or initiative because the communication references a directly on point decision from the 2<sup>nd</sup> Circuit establishing that jurisdiction exists for sanctions even after a remand order. This anonymous briefer did find a more directly on point case than Sibley but of course the Court in its Order cited similar cases. This anonymous briefer may be more motivated than Sibley.
4. The anonymous briefer then very cogently states:

Thought: Well, he could certainly REMEDY the "appearance of" impropriety by going ahead and telling the Florida Court he lives in Florida now. So ... has he?" No, not as of July 17. The opposing attorney there is still sending things to Lincoln's long-time address in Lago Vista, Travis Cuntty, Texas. So, is he really living most of the time in Florida? Who knows? But he certainly seems, in Florida federal court, to want to continue to be regarded as living in Texas, whereas in Texas federal courts, he wants to continue to be regarded as living in Florida. Conclusion: One of the two places, he's tying to pull a charade in which case it is impropriety, not the appearance thereof.

5. Well put, Sibley adopts the words of the anonymous briefer. Sibley wishes he had said these things himself. The anonymous briefer(s) should contact Sibley.

6. This may be unusual but Sibley wants to give credit where credit is due. In fairness, the anonymous briefer not Sibley is entitled to credit for these thoughts and this citations.

Respectfully Submitted,



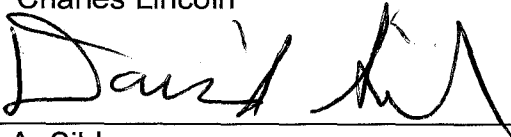
David A. Sibley  
Attorney at Law  
P.O. Box 9610  
719 N. Upper Broadway (78401)  
Corpus Christi, Texas 78469-9610  
(361) 882-2377 -- Telephone  
(888) 231-0146 --Telecopier  
ds@davidsibley.com -- Email  
davidsibley.law -- Home Page  
State Bar No. 18337600  
Federal I.D. 10053  
Attorney-in-Charge for David A. Sibley

**Certificate of Service**

On this Monday, July 23, 2007, I served this as follows:

**Via Email**

Charles Lincoln



David A. Sibley

District court's grant of plaintiff's motion to remand action that had been removed from state court did not deprive court of jurisdiction to consider plaintiff's motion for sanctions against removing defendant, which contended that removal had been meritless. *Bryant v. Britt*, C.A.2 (N.Y.) 2005, 420 F.3d 161.

[http://secondopinions.blogspot.com/2005\\_08\\_01\\_archive.html](http://secondopinions.blogspot.com/2005_08_01_archive.html)

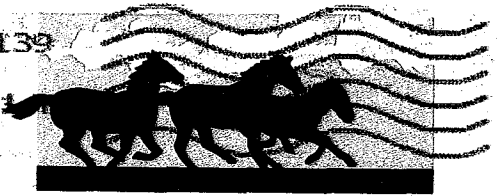
<http://www.courthousenews.com/circuitsummaries/2ndArchives/2ndArchiveAug05.htm>

"Lincoln apologizes for any appearance of impropriety created by his failure to change his address in the Florida case which Sibley submitted as (apparent) evidence of misrepresentation to Court."

Thought: Well, he could certainly REMEDY the "appearance of" impropriety by going ahead and telling the Florida court he lives in Florida now. So...has he? No, not as of July 17. The opposing attorney there is still sending things to Lincoln's long-time address in Lago Vista, Travis County, Texas. So, is he really living most of his time in Florida? Who knows? But he certainly seems, in Florida federal court, to want to continue to be regarded as living in Texas, whereas in Texas federal courts, he wants to continue to be regarded as living in Florida. Conclusion: One of the two places, he's still trying to pull a charade, in which case it is impropriety, not the appearance thereof.

BINGHAMTON NY 139

18 JUL 2007 PM 4



USA 41

David A. Sibley  
Attorney at Law  
719 N. Upper Broadway  
Suite 205  
Corpus Christi, TX 78449

72401-1311

